

MESSAGE NO: 8099111 MESSAGE DATE: 04/09/1998

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-549-802

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/1994 TO 12/31/1994

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION FOR BALL BEARINGS FROM THAILAND (C-549-802) FOR THE PERIOD 01/01/1994 - 12/31/1994

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CASES: C - 549 - 802

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PERIOD COVERED: 01 01 1994 TO 12 31 1994

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: LIQUIDATION FOR BALL BEARINGS FROM THAILAND (C-549-802)
FOR THE PERIOD 01/01/1994 - 12/31/1994

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON 1/6/97 (62 FR 728) THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON BALL BEARINGS FROM THAILAND COVERING THE MINEBEA GROUP OF COMPANIES AND THE JANUARY 1, 1994 THROUGH DECEMBER 31, 1994 PERIOD. LITIGATION AFFECTING THIS REVIEW HAS NOW BEEN COMPLETED AND, AS A RESULT, THE INJUNCTION PREVENTING LIQUIDATION (NOTED IN EMAIL MESSAGE #7101113 DATED APRIL 11, 1997) HAS BEEN LIFTED.

2. IMPORTS COVERED BY THE REVIEW ARE SHIPMENTS OF BALL BEARINGS, MOUNTED OR UNMOUNTED, AND PARTS THEREOF, WHICH INCLUDE ALL ANTIFRICTION BEARINGS WHICH EMPLOY BALLS AS THE ROLLING ELEMENT. DURING THE REVIEW PERIOD, IMPORTS OF THESE PRODUCTS WERE CLASSIFIABLE UNDER THE FOLLOWING CATEGORIES: ANTIFRICTION BALLS; BALL BEARINGS WITH INTEGRAL SHAFTS; BALL BEARINGS (INCLUDING RADIAL BALL BEARINGS) AND PARTS THEREOF; BALL BEARING TYPE PILLOW BLOCKS AND PARTS THEREOF; BALL BEARING TYPE FLANGE, TAKE-UP, CARTRIDGE, AND HANGER UNITS, AND PARTS THEREOF; AND OTHER BEARINGS (EXCEPT TAPERED ROLLER BEARINGS) AND PARTS THEREOF. WHEEL HUB UNITS WHICH EMPLOY BALLS AS THE ROLLING ELEMENT ARE SUBJECT TO THE REVIEW. FINISHED BUT UNGROUND OR SEMIGROUND BALLS ARE NOT INCLUDED IN THE SCOPE OF THIS REVIEW.

IMPORTS OF THESE PRODUCTS ARE CURRENTLY CLASSIFIABLE UNDER THE FOLLOWING HTS ITEM NUMBERS: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50. THIS REVIEW COVERS ALL OF THE SUBJECT BEARINGS AND PARTS THEREOF OUTLINED ABOVE WITH CERTAIN LIMITATIONS. WITH REGARD TO FINISHED PARTS (INNER RACE, OUTER RACE, CAGE, ROLLERS, BALLS, SEALS, SHIELDS, ETC.), ALL SUCH PARTS ARE INCLUDED IN THE SCOPE OF THIS REVIEW. FOR UNFINISHED PARTS (INNER RACE, OUTER RACE, ROLLERS, BALLS, ETC.), SUCH PARTS ARE INCLUDED IF (1) THEY HAVE BEEN HEAT TREATED, OR (2) HEAT TREATMENT IS NOT REQUIRED TO BE PERFORMED ON THE PART. THUS, THE ONLY UNFINISHED PARTS THAT ARE NOT COVERED BY THIS REVIEW ARE THOSE PARTS WHICH WILL BE SUBJECT TO HEAT TREATMENT AFTER IMPORTATION.

3. THE NET SUBSIDY WAS FOUND TO BE 5.25 PERCENT AD VALOREM FOR THE MINEBEA GROUP OF COMPANIES AND THE PERIOD JANUARY 1, 1994 THROUGH DECEMBER 31, 1994.

4. ACCORDINGLY, YOU ARE TO LIQUIDATE AT 5.25 PERCENT OF THE ENTERED VALUE ALL SHIPMENTS OF BALL BEARINGS FROM THAILAND EXPORTED ON OR AFTER JANUARY 1, 1994, WHICH ENTERED ON OR BEFORE DECEMBER 31, 1994, BY THE MINEBEA GROUP OF COMPANIES IN THAILAND, WHICH INCLUDED NMB PRECISION BALL, LTD., NMB THAI, PELMEC THAI, AND NMB HI-TECH.
5. FOR THAI BALL BEARINGS PRODUCED/EXPORTED BY NON-REVIEWED COMPANIES (I.E., COMPANIES OTHER THAN THOSE IN THE MINEBEA GROUP), CUSTOMS SHOULD ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON SUBJECT MERCHANDISE EXPORTED ON OR AFTER JANUARY 1, 1994 WHICH ENTERED ON OR BEFORE DECEMBER 31, 1994.
6. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
7. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE ENTERED ON OR BEFORE DECEMBER 31, 1994, IS LIFTED. PER PREVIOUS INSTRUCTION (SEE, MESSAGE NO. 6177111, DATED 6/25/96), SUSPENSION OF LIQUIDATION FOR ALL ENTRIES OF THIS MERCHANDISE ENTERED AFTER DECEMBER 31, 1994 HAS ALREADY BEEN LIFTED. WITH THE ISSUANCE OF THIS EMAIL, THERE SHOULD BE NO FURTHER LIQUIDATION INSTRUCTIONS NEEDED. ALL ENTRIES OF
- Message Date: 04/09/1998 Message Number: 8099111 Page 4 of 6

BALL BEARINGS FROM THAILAND SHOULD BE LIQUIDATED.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT ROBERT COPYAK, OFFICE OF CVD/AD ENFORCEMENT VI, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE AT (202) 482-2786.

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party